



Sewer Waiver

Handout #48 Revised: 6/9/04

Why are Sewer Waivers Required?

New structures located within Urban Growth Areas (UGA) are required to connect to a public sewer system. Also, all new land divisions within an UGA must make provision for the connection of all new structures to a public sewer system. The Responsible Official can issue a waiver to this requirement if the structure or development meets certain exceptions.

What are these “exceptions” that allow for a sewer waiver?

For New Structures

- (1) The new structure is an alteration, expansion or replacement of an existing structure which will not entail a material increase in sewerage effluent production;
- (2) The new structure lawfully incorporates no on-site sewerage system;
- (3) The new structure is for single-family residential use or non-residential use, generating a projected effluent flow of not more than seven hundred (700) gallons, per acre, per day, provided:
 - Such use does not generate hazardous or dangerous waste, as defined by applicable federal, state or local law; and,
 - Extension of public sewer is impractical. This is based upon the following criteria:
 - ❖ Public sewer would have to be extended more than three hundred (300) feet;
 - ❖ Necessary permission cannot be obtained from intervening landowner(s); or,
 - ❖ Intervening property contains natural or manmade obstructions, such as deep canyons, elevation changes, and solid rock impediments which make public sewer extension prohibitively expensive or undesirable; and,
 - ❖ A covenant to the county and sewer purveyor is recorded which commits the current and future property owner(s) to connect to public sewer within twelve (12) months of sewer becoming available. The covenant shall also contain a provision that commits the current and future property owner(s) to participate in a future local improvement district if this is the method used to extend sewer.

NOTE: The City of Vancouver and the Hazel Dell Sewer District review for sewer availability within 200 feet. The applicant is responsible for requesting a 300-foot review. Utility reviews of 200 feet will not be accepted for a sewer waiver under Clark County Code (CCC) Section 40.370.010(C)(3)(b)(1).

For Land Divisions [(CCC, Section 40.370.010(D))]

Inside Urban Growth Areas, connection to public sewer is required as a condition of approval for land divisions unless the Responsible Official determines that one of the following exceptions apply:

- (1) A 2-lot land division approved where one of the lots is, or will be, developed in a use that generates no sewage effluent. Any plat approved under this exception shall record a covenant prohibiting the installation of plumbing fixtures for any use on the designated lot unless the lot connects to sewer.
- (2) Short plats approved under CCC Section 40.200.050(B) as follows:
If at the time of passage of the ordinance codified in the Clark County Code, a lot of record was lawfully occupied by two (2) or more single-family residences, such lot may be granted short plat approval (under CC Chapter 40.540). In order to permit the segregated sale of such residences, even though some or all of the resulting new lots will have dimensions less than required for the zoning district in which the property is located. This will be accepted, provided the degree of density nonconformity shall not be increased. All lots shall have a minimum of twenty (20) feet of access to a public or private street.

*Urban enclave area means an area within an Urban Growth Area (UGA) which includes a small group of parcels and is further characterized by predominantly developed lots of less than twenty-five thousand 25,000 square feet and where:

- (a) Such lots are primarily served by on-site sewage treatment systems;
- (b) The area is physically isolated from public sewer by man-made or topographical constraints, such as an interstate highway or deep canyon;
and,
- (c) Public sewer has been extended beyond such area.

Urban fringe area means an area within and typically near the edge of a UGA which is beyond the limit of existing sewer lines (i.e., three hundred (300) feet) and within which urban development has not generally occurred. Additionally, such area must be characterized by a majority of parcels five (5) acres or less in size and be physically isolated from public sewer by one acre or smaller lots, or man-made or topographical constraints, such as an interstate highway, unserviceable elevation, or deep canyon.

NOTE: The recording fees for covenants are \$19.00 for the first page and \$1.00 for all additional pages.

Does the review of a sewer waiver include review of site plan standards?

No. A sewer waiver review does not include any review for use, bulk or dimensional standards. Site plan review will be required for any non-residential project proposed.

What is the application process?

The first step is to identify the category under which you are requesting the sewer waiver (see above). If it is for a new land division, a complete sewer waiver application submittal package must accompany the land division application to include a narrative addressing #1 and #2 above under "For Land Divisions [(CCC, Section 40.370.010(D))."]

If it is for a new structure, a complete sewer waiver application package must be submitted (see attached “Development Review Sewer Waiver Submittal Requirements for Structures”).

If the sewer waiver is approved, submittal of the following will be required:

1. Covenant Running With the Land (as attached) which the applicant must notarize and certify that the property will connect to public sewer at the appropriate time. (Note: This covenant is required within city sewer service districts and Hazel Dell Sewer District, but only for sewer waivers approved under CCC 40.370.010C;
2. Utility Service Covenant and Annexation Agreement (as attached) which the applicant must notarize and certify that the property will connect to public sewer at the appropriate time, AND, that the property owner agrees to participate in future annexations to the City presently or proposing to provide sewer service. (Note: This covenant is only required within city sewer service districts, but only for sewer waivers approved under CCC 40.370.010C;

Once these items have been completed and assembled, the package should be submitted to the Public Service Center, Customer Service Center, at 1300 Franklin Street, Vancouver, Washington. For land divisions, the application should be submitted and processed in conjunction with the land division application.

What is the approval process?

If you are applying for a Sewer Waiver under CCC Section 40.370.010(C)(1) (no increase in effluence) or CCC Section 40.370.010(C)(2) (no sewerage facilities), the approval can normally be completed at the Customer Service counter. However, if your case has special circumstances that require additional review, your application may be transferred to another staff member who will approve your waiver within 14 days of receipt.

What if all the required information is not provided?

Applications with incomplete information will be returned to the applicant at the counter.

What kind of public notice is provided?

There is no public notice required for this type of review.

Can the decision be appealed?

The Responsible Official's decision may be appealed to the County Hearings Examiner by the applicant or other person or group. An appellant must submit an appeal application and **\$1070** fee within 14 calendar days after the written notice of the decision is mailed.

How long is the decision on a sewer waiver valid?

Sewer waivers are valid for a period of one year, if not associated with any other action. When such a decision is made in conjunction with another application (e.g., short plat, subdivision, or site plan), the decision is valid for the same period as the decision on the related application.

Note: This handout is not a substitute for county code. For more detailed information, please refer to Clark County Code Chapter 40.370 Sewer and Water.

**Public Service Center
Department of Community Development
1300 Franklin Street
P.O. Box 9810
Vancouver, WA 98666-9810
Phone: (360) 397-2375; Fax: (360) 397-2011
Web Page at: <http://www.clark.wa.gov>**

DEVELOPMENT REVIEW SEWER WAIVER APPLICATION SUBMITTAL REQUIREMENTS FOR STRUCTURES

The following checklist identifies information to be included with the sewer waiver application for structures. All items must be submitted before the application will be considered "**Counter Complete.**"

1. **___ APPLICATION FORM** - The application form shall be completed and original signed in ink by the applicant.
2. **___ APPLICATION FEE** - The required application fee of **\$418** for a sewer waiver shall accompany the application. The check is to be made payable to "Clark County Community Development".
3. **___ VICINTY MAP** - A vicinity map and/or an Assessor's Parcel Map;
3. **___ SITE PLAN** – A site plan showing the location of existing structures, setbacks to lot lines and between buildings, and the location of any on-site septic systems (if applicable);
3. **___ SEWER AVAILABILITY LETTER** – A service availability review letter from the area sewer provider (usually Hazel Dell Sewer District or the City of Vancouver), indicating that the subject lot is:
 - ☐ Over 300 feet from a sewer service line; or,
 - ☐ That the intervening property contains natural or manmade obstructions such as deep canyons, elevation changes, and solid rock impediments, which make public sewer extension prohibitively expensive or undesirable.
4. **___ HEALTH DEPARTMENT LETTER** - If the property has an existing building on a septic system, the applicant must submit documentation indicating that the Health Department has reviewed the existing septic system or has approved a septic system permit for the system.

If the property has no buildings or septic systems, Health Department documentation is **not** required for this application.
5. **___ SEWERAGE EFFLUENT CALCULATIONS** – Mathematical calculations shall be submitted in order to demonstrate that the subject structure will **not** generate a projected effluent flow of more than seven hundred (700) gallons per day per acre. These calculations can be acquired from the respective sewer provider or Health Department.

- 6. __ NOTARIZED STATEMENT OF ATTEMPT TO ACQUIRE ACCESS TO SEWER LINE** – If your application is based upon your inability to gain access through an intervening property to acquire sewer service, submittal of a notarized statement that you have made an attempt, without success, to acquire the needed access/easement, is required. This statement shall include the intervening property address and owner's name and phone number.

SEWER WAIVER DECISION FOR STRUCTURES

Form DS1426 Revised 6/7/04



To be Complete by County Staff

Case Number: _____

Applicant Name: _____

Sewer Waiver Address: _____

Findings and Conclusions

Finding #1

The new structure is proposed to be used for:

Finding #2

___ YES; ___ NO

I find that the new structure is an alteration, expansion or replacement of an existing structure which will not entail a material increase in sewage effluent production?

Finding #3

___ YES; ___ NO

I find that the new structure will **not** lawfully incorporate any on-site sewage effluent facilities.

Finding #4

___ YES; ___ NO

I find that the proposed use will **not** generate a projected effluent flow of more than seven hundred (700) gallons per day per acre.

Finding #5

___ YES; ___ NO

I find that the proposed use will **not** generate hazardous/dangerous waste, as defined by applicable federal, state or local laws.

Finding #6

___ YES; ___ NO

I find that one of the following conditions exists:

- ☐ I find that public sewer would have to be extended more than three hundred (300) feet to serve the subject structure(s);
- ☐ I find that the necessary permission cannot be obtained from intervening property owners necessary to extend the sewer to the subject property; and/or,
- ☐ I find that the intervening property contains natural or manmade obstructions such as deep canyons, elevation changes, and solid rock impediments, which make public sewer extension prohibitively expensive or undesirable.

DECISION

Based on the information submitted in the application, a review of the application against the applicable standards and criteria in Clark County Code Section 40.370 Sewer and Water, and findings established above, THIS APPLICATION IS HEREBY:

☐ **APPROVED, subject to following conditions:**

- ☐ **1. Time limit**
This waiver is good for a period of 12 months from the date of approval unless in conjunction with another application. If in conjunction with another application, this decision shall be valid for the same period as the decision on the related application pursuant to CCC Section 40.370.010F.
- ☐ **2. No additional review included**
Approval is strictly limited to the use of an on-site septic system for the proposed action. Review of this sewer waiver did not include any zoning review for use, stormwater, nor for site plan criteria. Approval is based solely upon the action being consistent with the criteria in CCC Section 40.370.010 (C), D and E.
- ☐ **3. Sewer hook-up covenant** (City and Hazel Dell Sewer District)
The applicant shall record a "Covenant Running with the land" to the county and sewer purveyor which commits the current and future property owners to connect to public sewer within twelve (12) months of sewer becoming available. The covenant shall also contain a provision that commits the current and future property owner(s) to participate in a future local improvement district if this is the method used to extend sewer.
- ☐ **4. Annexation agreement** (Cities only)
The applicant shall record a "Utility Service Covenant and Annexation Agreement" to the county and city providing sewer

which commits the current and future property owners to participate in future annexations when requested. The covenant shall be recorded prior to issuance of the building permit.

☐

5. _____

☐

6. _____

☐

DENIED

Reasons: See finding(s) # ____

Staff Signature:

Date:

☐ Over the counter approval

☐ Approved after additional staff review

COVENANT RUNNING WITH THE LAND

Form DS1427 Revised 6/7/04

IN accordance with Clark County Code 40.370 the undersigned, on behalf of _____, it's heirs, successors and assigns, hereby agrees to be bound by future local improvement district(s) to extend public sewer and, further agrees to connect to public sewer with payment of required connection fees within twelve (12) months of public sewer becoming available.

The real property encumbered by this covenant is described as:

Parcel Number: _____
Located within the _____ Quarter of Section _____, Township _____ North, Range _____
East of the Willamette Meridian, Washington.

IN WITNESS WHERE OF, the undersigned have executed this Agreement this _____
day of _____, _____.

PROPERTY OWNER (S) SIGNATURE (S)

DATED this _____ day of _____, _____.

STATE OF WASHINGTON)
COUNTY OF CLARK)

On this day personally appeared before me _____
_____ to me known to be the individual(s) described in and
who executed the within and foregoing instrument and acknowledged that he/she
signed the same as free and voluntary acts and deed for the uses and purposes therein
mention.

GIVEN under my hand and official seal this _____ day of _____,
_____.

Notary Public in and for the State of
Washington residing at

**UTILITY SERVICE COVENANT and
ANNEXATION AGREEMENT**
Form DS 1428 to be filed with Form DS 1427
Revised: 6/7/04

WHEREAS, the undersigned persons own real property which is outside the present city limits of _____, and have requested such property be served with sewer from the City of _____; and,

WHEREAS, it is understood by the undersigned that the provision of city sewer to the land and improvements of the owners must be consistent with policies of the City of _____ relative to such utility service and annexation; and,

WHEREAS, it is recognized that such land as will be served by city sewer is presently intended to ultimately become part of the City of _____ annexation,

NOW, THEREFORE, the undersigned warrants that the signatures subscribed hereupon are those of all legal and equitable owners of and of all persons having a real property interest in the property commonly known as: _____

_____.

And/or legally described as: _____

The County of Clark, State of Washington.

When the City of _____, in its discretion, furnishes sewer to the above-described land, and in consideration of this agreement and as a condition of and in consideration of such furnishing of sewer services, the undersigned and each of them, for himself or herself and for his or her successors in interest, hereby covenant to the City of _____ and also to the present and future owners of any property affected by the furnishing of sewer service to which this covenant relates, that all or any of them will, whenever so requested, sign any letter, notice, petition or other instrument addressed to the city under Chapter 35.13, RCW, initiating, further or accomplishing the annexation to the City of _____ of the area contiguous to the city in which the above-described land to the City of _____ is located. It is understood that the covenant will apply

whether or not such annexation involves the assumption by the area to be annexed of the existing City of _____ indebtedness and other lawful conditions as the city will lawfully impose.

Nothing in this covenant will be deemed to enlarge, diminish or qualify the exercise of rights and powers of the City of _____ in the premises.

The undersigned further agree that this covenant will run with the above-described land and may be, as city expense, filed by the city in the real estate records of the Auditor of Clark County.

This covenant is signed to secure the benefit of such city utility service.

(Signature)_____ Dated this _____day of _____200_

DEVELOPMENT REVIEW APPLICATION FORM

(Form DS1000-Revised 12/4/03)



PROJECT NAME:		
TYPE(S) OF APPLICATION (See Reverse Side):		
DESCRIPTION OF PROPOSAL:		
APPLICANT NAME:	Address:	
E-mail Address:	Phone and Fax:	
PROPERTY OWNER NAME (list multiple owners on a separate sheet):	Address:	
E-mail Address:	Phone and Fax:	
CONTACT PERSON NAME (list if not same as APPLICANT):	Address:	
E-mail Address:	Phone and Fax:	
PROJECT SITE INFORMATION: Site Address:	Comp Plan Designation:	
Cross Street:	Zoning:	Serial #'s of Parcels:
Overlay Zones:	Legal:	Acreage of Original Parcels:
Township:	Range:	¼ of Section:

AUTHORIZATION

The undersigned hereby certifies that this application has been made with the consent of the lawful property owner(s) and that all information submitted with this application is complete and correct. False statements, errors, and/or omissions may be sufficient cause for denial of the request. This application gives consent to the County to enter the properties listed above.

Authorized Signature

Date

Assigned at Customer Service Center	CASE NUMBER:	
	WORK ORDER NUMBER:	

APPLICATION TYPES

If you have any questions regarding the type of application being requested, our Customer Service Center will be happy to assist you.

- ☐ Annual Review
- ☐ Appeal
- ☐ Boundary Line Adjustment and Lot Reconfiguration
- ☐ Conditional Use

Environmental/Critical Areas:

- ☐ Archaeological
- ☐ Critical Aquifer Recharge Area (CARA)
- ☐ Columbia River Gorge
- ☐ Forestry + (Moratorium Waiver, Moratorium Removal, Class I, Class IVG or COHP)
- ☐ Floodplain
- ☐ Geological
- ☐ Habitat
- ☐ Historic
- ☐ SEPA
- ☐ Shoreline
- ☐ Wetland

Land Division:

- ☐ Binding Site Plan
- ☐ Final Plat
- ☐ Plat Alteration
- ☐ Short Plat (___ Infill)
- ☐ Subdivision (___ Infill)

Miscellaneous:

- ☐ Addressing
- ☐ Accessory Dwelling
- ☐ Covenant Release
- ☐ Garden Shed Setback Waiver
- ☐ Home Occupation
- ☐ Legal Lot Determination & Innocent Purchasers Determination
- ☐ Non-Conforming Use Determination
- ☐ Reconstruct Letter
- ☐ Sewer Waiver
- ☐ Shooting Range
- ☐ Sign

Planning Director Review:

- ☐ Post Decision
- ☐ Pre-Application Conference
- ☐ Pre-Application Waiver
- ☐ Public Interest Exception
- ☐ Similar Use
- ☐ Temporary Use
- ☐ Other

- ☐ Planned Unit Develop/Master Plan
- ☐ Road Modification
- ☐ Site Plan
- ☐ Variance
- ☐ Zone Change